

REMARKS

Claims 1-10 are pending in the application. The Examiner stated that the Title of the Invention is not descriptive. The Examiner stated that the drawings are informal. The Examiner objected to Claims 1, 8 and 9 based on informalities. The Examiner rejected Claims 8 under 35 U.S.C. §101, as directed to non-statutory subject matter. The Examiner rejected Claims 1-10 under 35 U.S.C. §103(a) as being unpatentable over Fuss et al. (U.S. Patent 6,401,119) in view of Dinker et al. (U.S. Patent 7,139,925).

Please accept the replacement Title of the Invention as set forth herein. Please amend Claims 1, 8 and 9 as set forth herein. No new matter has been added.

Regarding the objections to Claims 1, 8 and 9, based on informalities, these claims have been amended herein in accordance with the Examiner's suggestions. Based on at least the foregoing, withdrawal of the objections to Claims 1, 8 and 9 are respectfully requested.

Regarding the rejection of Claim 8 under §101, the Examiner states that the claim is directed to non-statutory subject matter. Although Applicants believe that the Claim 8 as pending does in fact recite statutory subject matter, Claim 8 has been amended to recite in part, "A computer program device readable by a machine, tangibly embodied in a storage medium and in a manner so as to be executable by the machine to perform method steps for a method for..." Based on at least the foregoing, withdrawal of the rejection of Claim 8 under §101 is respectfully requested.

Regarding the rejection of independent Claims 1, 8 and 9 under §103(a), the Examiner states that Fuss et al. in view of Dinker et al. renders obvious each and every element of the claims. Applicants respectfully disagree.

Fuss et al. teaches a method and system for monitoring and managing network conditions. Dinker et al. teaches a system and method for dynamic cluster adjustment to node failures in a distributed data system.

First, each of Claims 1, 8 and 10 recite, “determining all non-failure states of each component of the first work environment goes through based on the non-failure action performed on it”; a non-failure state being the state that a component is programmed to arrive at should no failures occur. Therefore, a non-failure state can be viewed as a desired future state.

The Examiner alleges that Fuss et al. discloses this feature somewhere in FIGs. 4A-4D, and somewhere in col. 7, line 33 to col. 9, line 60. Fuss et al. teaches current or existing settings of its system, default settings where all elements of its system are properly functioning, i.e. no disturbances are present. See col. 7, lines 37-43. Fuss et al. deals with present time or existing states. Nowhere does Fuss et al. teach or disclose non-failure states determined for each component of the first work environment. Dinker et al. does not cure this defect.

Second, each of Claims 1, 8 and 10 recite, “for each determined state determining all failure events caused by events that prevent said each component from reaching said non-failure states”. This step determines, before any failures actually occur, events that could prevent the component from reaching a non-failure state; these events that could prevent the component from reaching its non-failure state are the failure events.

Again, the Examiner alleges that Fuss et al. discloses this feature somewhere in FIGs. 4A-4D, and somewhere in col. 7, line 33 to col. 9, line 60. Fuss et al. teaches waiting for events to happen. These events are present or existing disturbances or conditions. See col. 7, lines 44-50. Fuss et al. deals with present time or existing events. Nowhere does Fuss et al. teach or disclose for each determined state determining all failure events caused by events that prevent said each component from reaching said non-failure states. Dinker et al. does not cure this defect.

Third, each of Claims 1, 8 and 10 recite, “associating said failure events with one of defined failure states”. This step associates a failure event, i.e. an event that could prevent the component from reaching a non-failure state, with a predefined failure state; failure states being that state at which a component arrives at when subjected to a failure event.

Yet again, the Examiner alleges that Fuss et al. discloses this feature somewhere in FIGs. 4A-4D, and somewhere in col. 7, line 33 to col. 9, line 60. Fuss et al. is silent as to any association between any events and states. Nowhere does Fuss et al. teach or disclose associating said failure events with one of defined failure states. Dinker et al. does not cure this defect.

Fourth, each of Claims 1, 8 and 10 recite, “migrating said one or more business process and their work environment between a plurality of computing devices belonging to the user”.

Still again, the Examiner alleges that Fuss et al. discloses this feature somewhere in FIGs. 4A-4D, and somewhere in col. 7, line 33 to col. 9, line 60. Fuss et al. teaches managing a network. The claims of the present application relate to migrating a business process and a work environment between computing devices. Nowhere does Fuss et al. teach or disclose migrating said one or more business process and their work environment between a plurality of computing devices belonging to the user. Dinker et al. does not cure this defect.

Fifth, each of Claims 1, 8 and 10 recite, “for each failure state specifying a next non-failure action to perform”. This step specifies, before any failures actually occur, a non-failure action to perform if that failure state occurs. The specified action will perform steps necessary to recover from the failure condition.

The Examiner alleges that Dinker et al. discloses this feature somewhere in FIGs. 6A-6C, FIGs. 8A-8B, and somewhere in col. 15, line 20 to col. 16, line 24, and col. 17, line 33 to col. 18, line 13, and col. 18, line 48 to col. 19, line 7. Dinker et al. teaches what to do if a node fails, which is clearly distinct from recovering from a failed condition during the running of a component process of the claims of the present application. Nowhere does Dinker et al. teach or disclose for each failure state specifying a next non-failure action to perform. Fuss et al. does not cure this defect.

Finally, each of Claims 1, 8 and 10 recite, “repeating steps (a)-(d) for all next non-failure action of step (d)”. This step determines, before any failures actually occur, events that could

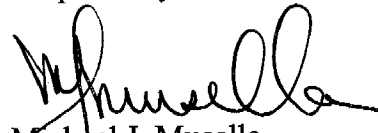
prevent the process from reaching a non-failure state; these events that could prevent the component from reaching its non-failure state are the failure events.

Again, the Examiner alleges that Dinker et al. discloses this feature somewhere in FIGs. 6A-6C, FIGs. 8A-8B, and somewhere in col. 15, line 20 to col. 16, line 24, and col. 17, line 33 to col. 18, line 13, and col. 18, line 48 to col. 19, line 7. Since Dinker et al. does not teach any of steps (a)-(d), Dinker et al. cannot teach repeating these steps for all next non-failure actions. Nowhere does Dinker et al. teach or disclose repeating steps (a)-(d) for all next non-failure action of step (d). Fuss et al. does not cure this defect.

Independent Claims 1, 8 and 9 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-7 and 10, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-7 and 10 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-10, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,


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